

please cancel claims 1-8 and 14.

### Claim Rejections - 35 U.S.C., Section 103

The Examiner has rejected all of the claims pending in this application under 35 U.S.C., Section 103 as unpatentable over either Bulzomi in view of Oatman or Latzke or unpatentable over Latzke in view of Bulzomi or as unpatentable as above stated further in view of Terry. Applicant respectfully disagrees with these bases for rejection.

Applicant has earlier indicated that Bulzomi's teachings relate to reflection of heat outwardly away from the cavity of a foot cover. The Examiner has acknowledged this distinction and relies on Latzke and/or Oatman for the teaching lacking in Bulzomi.

Latzke teaches a heat **conductive** layer between thick foam layers of material. Latzke explains that the foam layers **store** body heat (Col.1, Ln.43-57; Col.4, Ln.46-49) and repeatedly states that the metal layer between the heat storing foam layers is heat **conducting** (Col.1, Ln.66; Col.2, Ln.6, 9-10, 64; Col.3, Ln.7; Col.4, Ln.41-42). That is, Latzke teaches that the layer sandwiched between the foam layers is a heat conductor, not a heat barrier. This is contrary both to applicant's claims which require reflection of heat into the cover and to Bulzomi's teaching which requires reflection away from the cover. Therefore, the teachings of Bulzomi and Latzke cannot be combined, since they are opposed to each other. Furthermore, if they are combined, they do not teach applicant's claimed device which requires a reflective barrier reflecting heat inwardly in the cover.

Oatman, in the abstract cited by the Examiner, teaches that "the **outer** surfaces of the insole are preferably provided with a heat reflecting coating or film to minimize loss of heat by the foot from radiation and reflect any such radiated heat back into the foot of the wearer. The reflective material is not disposed **between** the inner and outer layers as

required by applicant's claims. Rather, Oatman's reflective material is on the outside and the other layers are in between. Therefore, Oatman does not teach what applicant claims. Nor is Oatman's outer radiant layer which reflects heat into the cavity properly combinable with Bulzomi's inner radiant layer which reflects heat away from the cavity.

### **Conclusion**

Claims to the unelected species have been canceled. The pending claims have been distinguished over the cited references. Applicant believes that all of the claims pending in this application are now in condition for allowance and allowance of all claims is respectfully requested.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached pages is captioned "Version with Markings to Show Changes Made."

Respectfully submitted,  
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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

In the Claims:

Claims 1-8 and 14 have been canceled.